

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTOPHER M. DEVINE,)	
Plaintiff,)	
)	
v.)	C.A. No. 04-12186-NG
)	
STOP AND SHOP COMPANIES,)	
Defendant.)	

ORDER OF DISMISSAL

On October 21, 2004 this Court issued a Memorandum and Order requiring the Plaintiff Christopher Devine to (1) pay the filing fee for this action or seek a waiver of it; and (2) demonstrate good cause why this action should not be dismissed without prejudice, for the reasons stated therein.

On November 9, 2004, Plaintiff submitted a completed Application to Proceed Without Prepayment of Fees, demonstrating he is without sufficient funds to pay the \$150 filing fee, and his Application is granted.

In addition to his *in forma pauperis* Application in his response to the October 21, 2004 Memorandum and Order, Plaintiff submitted a one page letter summarizing his allegations, and seeking \$40 million dollars in damages concerning his employment with the Defendant, and indicating he previously filed "all the paper work from the Massachusetts Commission against Discrimination."

A review of the file indicates that Plaintiff did

include copies of a March 20, 2003 order from the Massachusetts Commission Against Discrimination ("MCAD") denying his claims and a November 20, 2003 notice affirming the dismissal on appeal. However, that documentation does not indicate whether the Equal Employment Opportunity Commission (the "EEOC") has completed its review of his Americans with Disabilities Act ("ADA") claims and whether it has issued a "right to sue" letter.

CONCLUSION

Accordingly, for the reasons previously set forth in the October 21, 2004 Memorandum and Order, and for Plaintiff's failure to show cause, it is hereby Ordered that:

1. Plaintiff's Application to Proceed Without Prepayment of Fees is granted;

2. The above entitled action is hereby ordered Dismissed in its entirety. This dismissal is without prejudice.

SO ORDERED.

Dated at Boston, Massachusetts, this 1st day of December, 2004.

/s/ Nancy Gertner
NANCY GERTNER

UNITED STATES DISTRICT JUDGE